

Translation

PATENT COOPERATION TREATY

PCT/JP2003/015284



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP03-0352-00	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2003/015284	International filing date (day/month/year) 28 November 2003 (28.11.2003)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC A41C 1/00, 1/06, A41D 13/00, A41B 9/02, 17/00		
Applicant WACOAL CORP.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 17 March 2004 (17.03.2004)	Date of completion of this report 07 July 2004 (07.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- The international application as originally filed/furnished

- the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-5, 8-9	YES
	Claims	1-3, 6-7, 10-12	NO
Inventive step (IS)	Claims	4-5	YES
	Claims	1-3, 6-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

Claims 1 to 3, 6 and 7, and 10 to 12 lack novelty in the light of document 1 (JP 2001-192903 A (Wacoal Corp.), 17 July 2001, claim 4, claim 7, claim 18, claim 22, paragraphs [0049], [0051], [0078] and [0079], fig. 14, fig. 19, fig. 45, and elsewhere).

Document 1 discloses clothing such as a girdle or leggings having belt-shaped strong binding force parts extending from near the center rear position of a waist part across the upper portion of the left and right buttocks to near the greater trochanters, and also discloses a feature wherein a strong binding force part for pressing on the abdomen is provided in the central portion of an abdominal area part, and a feature wherein a strong binding force part is formed by a knitted structure having a pattern of weak binding force parts and strong binding force parts, and furthermore, also indicates that the strong binding force parts can also additionally extend from near the greater trochanters along the outside of the thighs, even reaching the ankles.

Claims 8 and 9 do not involve an inventive step in the light of document 1 and document 2 (JP 61-124611 A

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(Hiroshi Yoshihara), 12 June 1986, fig. 3 and elsewhere) cited in the international search report.

Document 2 discloses clothing such as a girdle for supporting flaccid parts of the body using stretch core materials, characterized in that the core materials are positioned near the upper part of the buttocks so as to form an upward-facing convex shape, and the positioning of the stretch core materials at a crossing point on the back side at the upper buttocks is recognized as constituting an upper binding part and a lower binding part. Thus, a person skilled in the art could easily conceive of applying the positioning of the core materials disclosed in document 2 to the positioning of the strong binding force parts in the clothing disclosed in document 1, and of adapting the positioning so as to make a lower binding part stronger.

Claims 4 and 5 are novel and involve an inventive step relative to the documents cited in the international search report.